

REMARKS

In the Office Action dated January 23, 2002, the Patent Office required the restriction to one of the following inventions: Group I, Claims 1-14, drawn to the structure of a catheter; and Group II, Claims 15-20, drawn to a method of use of any catheter. The Patent Office stated that the inventions are distinct from each other because Applicant "has not specified the type of catheter the method described in Group II can be utilized in, which means the method describe can be utilized in any apparatus with a tube for insertion into a bodily passage." Further, the Patent Office stated that the catheter described in Group I consists of a cylindrical body with a locking mechanism, and a pointed end, none of which have been described in Group II claims." Further, the Patent Office made no objections or rejections to any of the claims.

By the present Amendment, Applicant amended the specification, Claims 15 and 18-20, and Figures 1, 13 and 17. Applicant further added a new figure, Figure 13b. Applicant submits that the amendments and additions to the specification and drawings simply further clarify the invention and are within the scope of the invention as originally filed; no new matter has been added. Applicant further submits the amendments to the claims overcome the restriction requirement by the Patent Office for the reasons that follow.

As to the assertion made by the Patent Office that Claims 1-14 define a catheter, Applicant submits that Claims 1-11 define a catheter introducing device for placing a catheter within a body, NOT a catheter. However, Applicant further submits Claims 12-14 define a catheter.

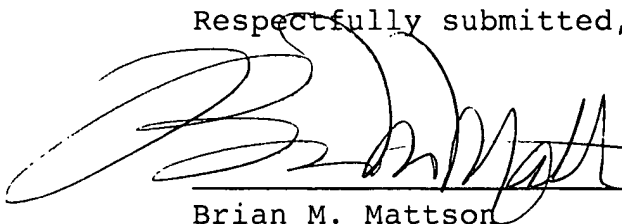
As to the assertion made by the Patent Office that Applicant has not specified the type of catheter that can be used with the method described in Group II and the assertion that the catheter described in Group I consists of elements not described in Group II, Applicant submits the amendments to the claims overcome these assertions. More specifically, Applicant amended Claims 15 and 18-20 to define a cylindrical body with a locking mechanism and pointed end for introducing a catheter into a body of a patient. Applicant submits that the claims of Group II, as amended, specifically define the type of device to be used for introducing a catheter into a body of a patient. Applicant further submits that the claims, as amended, of Group I and Group II, do NOT define two distinct inventions and respectfully request that the restriction requirement be withdrawn. Notice to that effect is requested.

By the present response to the restriction requirement, Applicant elects herewith, with traverse, the claims of Group I, namely Claims 1-14. Nonetheless, Applicant submits that all claims, Claims 1-20, should now be examined since Applicant incorporated the structure of the catheter introducing device into independent Claim 15 and/or dependent Claims 18-20. Accordingly, all claims of the application should now be examined.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and respectfully solicits allowance of the same. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant

requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

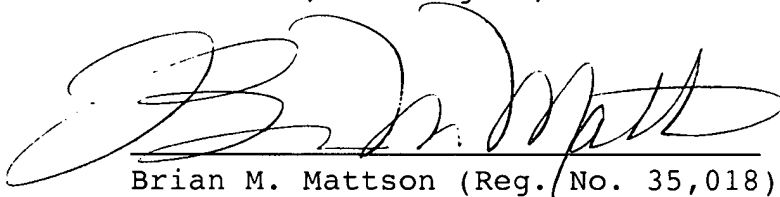


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CERTIFICATE OF MAILING

I hereby certify that this **Response to Restriction Requirement and Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on February 2, 2002.



Brian M. Mattson (Reg. No. 35,018)

VERSION WITH MARKS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the seventh and eighth paragraphs of the DETAILED DESCRIPTION OF THE PRESENTLY PREFERRED EMBODIMENTS of the specification with the following paragraphs:

In an embodiment of the present invention, the introducer 50 may be used to introduce the catheter 10 into a body. For example, Figure 10 illustrates skin 60 and the subcutaneous tissue 62 located under the skin 60 of a human being or patient. As shown in Figure 11, the introducer 50 may be pushed into the skin 60 at an entry site 54 and to the subcutaneous tissue 62. Figure 12 generally illustrates the introducer 50 in the subcutaneous tissue 62 and proceeding to an exit site 56. After the introducer 50 protrudes outside the exit site 56, [the catheter 10 may be attached] the second element 36 of the introducer 50 may be removed as shown in [Figure 13] Figures 13a and 13b. A locking mechanism is formed by the grooves 44 and a cap 46. The cap 46 is removed from the blunt end 40 of the introducer 50, thereby releasing the lock between the first element 32 from the second element 36. The second element 36 of the introducer 50 may be removed.

As shown in Figure 14, the catheter 10 may be attached to the first element 32 of the introducer 50. The pointed end 100 of the catheter 10 may be placed in the circular cut 34 of the first element 32 of the introducer 50. The catheter 10 may be secured by placing the notch 106 of the catheter 10 at the right angle notch 42 of the first element 32. As a result, the catheter 10 and the first element 32 fit together, and the catheter 10 may be kept from slipping away from the introducer 50 while located in the subcutaneous tissue 62 of the body.

IN THE CLAIMS:

Please amend Claim 15 as follows:

15. (Amended) A method for introducing a catheter into a body of a patient wherein the body includes skin and a subcutaneous layer, the method comprising the steps of:

providing a first part having a length defined between a pointed end and a flat end;

providing a second part having a length defined between the pointed end and the flat end wherein the first part and the second part define a cylindrical body and further wherein the second part is removable;

providing a locking mechanism located at the flat end of the cylindrical body wherein the first part and the second part are locked together;

[providing an instrument;]

piercing the skin and the subcutaneous layer of the body with the [instrument] pointed end of the cylindrical body;

pushing the [instrument] cylindrical body through the subcutaneous layer wherein the [instrument] cylindrical body is exposed outside an exit site of the body;

removing the second part of the cylindrical body;

attaching a catheter to the [instrument] first part of the cylindrical body;

pulling the [instrument] first part of the cylindrical body and the catheter into the subcutaneous layer and the entry site;
and

removing the [instrument] first part of the cylindrical body from the catheter and pulling the catheter into the subcutaneous layer.

Please amend Claim 18 as follows:

18. (Amended) The method of Claim 15 further comprising the step of:

attaching the catheter to the first part of the cylindrical body [instrument] by placing the catheter on the first part of the cylindrical body [instrument].

Please amend Claim 19 as follows:

19. (Amended) The method of Claim 15 further comprising the step of:

securing the catheter to the first part of the cylindrical body [instrument] with a thread.

Please amend Claim 20 as follows:

20. (Amended) The method of Claim 15 further comprising the step of:

securing the catheter to the first part of the cylindrical body [instrument] by fitting the catheter to a notch on the first part of the cylindrical body [instrument].

IN THE DRAWINGS:

Please amend Figure 1, 13 and 17 as shown on the attached drawing page in red ink. Please add Figure 13b.